



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Amanda Leiter  
Associate Deputy General Counsel

TO: Jeffrey Prieto  
General Counsel

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This recusal statement notifies you of my obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which a former employer or former client is a party or represents a party. Set forth in the charts below are my former employer and former clients identified in consultation with OGC/Ethics that have or may have environmental interests that could potentially arise with respect to my duties here at EPA.<sup>1</sup> I understand that my recusal with these entities will last for two years from the date that I joined federal service. This recusal will end on **September 12, 2024**.

Former Employer
American Rivers
Former Clients
Resources Legacy Fund
Sandler Foundation

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested

---

<sup>1</sup> For any former client that is not listed, I understand that I am personally obliged not to participate in specific party matters involving that former client for the duration of my ethics obligations.

parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”<sup>2</sup> Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

### *ATTORNEY BAR OBLIGATIONS*

In addition to the pledge restrictions involving my former employer and clients, I understand that I am bound by my bar rules and am obliged to protect the confidences of my former clients. I understand that I am restricted from switching sides in litigation in which I participated in or provided counsel or that is the same as or substantially related to the same specific party matter in which I previously participated personally and substantially, unless my bar provides for and I first obtain informed consent and coordinate with OGC/Ethics.

### *FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have been advised by OGC/Ethics that I have an ongoing financial interest with **American University**.<sup>3</sup> Even though I am on an unpaid leave of absence from American University, I understand that the financial interests of my employer are still imputed to me. Therefore, I cannot participate personally and substantially in any particular matter that will have a direct and predictable effect on **American University** as a specific party or as a member of an affected class, unless I first obtain a written waiver.

Because of my position on its Board of Directors, I am similarly prohibited from participating personally and substantially in any particular matter that will have a direct and predictable effect on **Rock Creek Conservancy** as a specific party or as a member of an affected class, unless I first obtain a written waiver. I have received approval from OGC/Ethics to remain a member of the board.

---

<sup>2</sup> See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

<sup>3</sup> I intend to resign from this position.

*Particular Matters Involving Specific Parties*

Because of my current level of financial ownership, I am disqualified from participating personally and substantially in any particular matter that affects any of following entities as a specific party:

<b>RECUSAL LIST – SPECIFIC PARTY MATTERS</b>	
Apple	

*Particular Matters of General Applicability*

I am also disqualified from participating personally and substantially in any particular matter of general applicability that is focused on the interests of any individual discrete and identifiable class of “persons” (identified as “sectors” below). This prohibition extends to each class (or sector) individually. If a matter affects all sectors or if a particular matter affects a combination of sectors, including the ones listed below, then I understand that I do not have a financial conflict of interest.

<b>RECUSAL LIST – INDIVIDUAL SECTORS</b>		
Specialty Retail (Computer & Electronics)	Software & Services	Technology Hardware & Equipment
Semiconductors	Media & Entertainment (Movies & Entertainment)	

*OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to the federal ethics rules, I understand that I have a covered relationship with both my spouse and my spouse’s employer, EarthJustice. *See* 5 C.F.R. § 2635.502(b)(1)(ii) and (iii). I will recuse from specific party matters where my spouse or his employer is a party or represents a party, unless I am otherwise authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d).

*DIRECTIVE AND CONCLUSION*

To avoid participating in any of the matters from which I am recused, please refer those matters to the attention of the Deputy General Counsel for Environmental Media and Regional Law Offices, without my knowledge or involvement. In the event that my circumstances change, e.g., my financial interests or my covered relationships, then I will consult with OGC/Ethics and update my recusal statement accordingly.

## Attachment

cc: Dimple Chaudhary, Principal Deputy General Counsel  
Susannah Weaver, Deputy General Counsel for Nationwide Resource Protection Programs  
Natalia Sorgente, Deputy General Counsel for Oversight  
Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices  
Elise Packard, Deputy General Counsel for Operations  
Daniel Conrad, Associate Deputy General Counsel  
Zach Pilchen, Senior Legal Counsel  
OGC Associate Generals Counsel and Directors  
Regional Counsels